UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/2000/SR.67
1 December 2000

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS

Fifty-sixth session

SUMMARY RECORD OF THE 67th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 26 April 2000, at 6 p.m.

Chairman: Mr. SIMKHADA (Nepal)

CONTENTS

EFFECTIVE FUNCTIONING OF HUMAN RIGHTS MECHANISMS

(c) ADAPTATION AND STRENGTHENING OF THE UNITED NATIONS MACHINERY FOR HUMAN RIGHTS (continued)

ADVISORY SERVICES AND TECHNICAL COOPERATION IN THE FIELD OF HUMAN RIGHTS (continued)

RATIONALIZATION OF THE WORK OF THE COMMISSION (continued)

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Commission at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.00-15940 (E)

CONTENTS (continued)

ECONOMIC, SOCIAL AND CULTURAL RIGHTS (continued)

REPORT OF THE SUB-COMMISSION ON THE PROMOTION AND PROTECTION OF HUMAN RIGHTS

(a) REPORT AND DRAFT DECISIONS (continued)

INDIGENOUS ISSUES (continued)

RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND ALL FORMS OF DISCRIMINATION (continued)

ORGANIZATION OF THE WORK OF THE SESSION (continued)

The meeting was called to order at 6 p.m.

EFFECTIVE FUNCTIONING OF HUMAN RIGHTS MECHANISMS

(c) ADAPTATION AND STRENGTHENING OF THE UNITED NATIONS MACHINERY FOR HUMAN RIGHTS (agenda item 18) (continued)

Draft resolution on the protection of United Nations personnel (E/CN.4/2000/L.93)

1. Ms. SUNDBERG (Observer for Sweden), introducing the draft resolution on behalf of its sponsors, noted that locally recruited United Nations personnel accounted for the majority of casualties and the draft resolution emphasized the need to give further consideration to ways of enhancing their safety; it also recalled that the primary responsibility under international law for the security and safety of United Nations personnel lay with the host country and urged States to adopt appropriate legislation and other relevant measures to ensure that perpetrators were in fact brought to justice. It was to be hoped that, as in previous years, the draft resolution would be adopted without a vote.

2. Ms. IZE-CHARRIN (Secretary of the Commission) said that the representatives of Argentina, Japan, Luxembourg, Poland, Spain and the United Kingdom and the observers for Denmark, Greece, Hungary, Ireland, Lithuania, Malta, San Marino and Slovakia had become sponsors of the draft resolution.

3. Mr. ZIVKOVIC (Office of the High Commissioner for Human Rights) said that the draft resolution had no financial implications.

4. The draft resolution was adopted.

ADVISORY SERVICES AND TECHNICAL COOPERATION IN THE FIELD OF HUMAN RIGHTS (agenda item 19) (continued)

Draft resolution on the situation of human rights in Haiti (E/CN.4/2000/L.88)

5. Mr. MICHELENA (Venezuela), introducing the draft resolution on behalf of its sponsors and the Secretary-General's Friends of Haiti (Argentina, Canada, Chile, France and the United States of America), said that the text stressed the importance, for combating impunity and for the realization of a genuine and effective process of transition and national reconciliation, of the investigations undertaken by the National Commission for Truth and Justice and once again strongly urged the Government of Haiti to institute legal proceedings against perpetrators of human rights violations identified by the National Commission; called upon it to comply with its existing obligations under international human rights law by harmonizing all relevant provisions of Haitian national law with international standards and by continuing to comply with its reporting obligations to treaty-monitoring bodies, in particular the Committee on the Elimination of Discrimination against Women; urged the Government of Haiti to adopt measures to promote the human rights of women and to fight against the violence of which they were victims; and encouraged it to promote the rights of children, in particular their right to education.

6. There were a number of minor changes to be made to the English version of the text: in the tenth preambular paragraph, the word "the" should be replaced by "a" after the phrase "International Civilian Support Mission in Haiti with"; in paragraph 4, the words "the Government of" should be deleted; in paragraph 6, the words "where appropriate" should be deleted; and, in paragraph 11, the words "to investigate properly" should be amended to read: "properly to investigate". His delegation would submit corrections to the Spanish version shortly.

7. Ms. IZE-CHARRIN (Secretary of the Commission) said that the representatives of Ecuador, Germany, Japan, Luxembourg and the United States of America and the observers for Austria, Israel and Uruguay had become sponsors of the draft resolution.

8. Mr. ZIVKOVIC (Office of the High Commissioner for Human Rights) said that the draft resolution had no financial implications.

9. The draft resolution was adopted.

10. Ms. DUCHATELLIER (Observer for Haiti) said that her delegation regretted that, as in past years, the question of the full restitution of the documents of the Front pour l'avancement et le progrès Haïtien (Front for the Advancement and Progress of Haiti) (FRAPH) to the Haitian authorities had not been referred to clearly enough in the draft resolution. It nevertheless noted that, at the current session, the question had been raised timidly. As the Independent Expert had done on so many occasions, it stressed once again that those documents were of great importance for the Haitian people's efforts to combat impunity.

Draft resolution on the situation of human rights in Cambodia (E/CN.4/2000/L.92)

11. Mr. HARAGUCHI (Japan), introducing the draft resolution on behalf of its sponsors, said that Cambodia was one of the best examples of how advisory services and technical cooperation in the field of human rights could benefit a country in need. The draft resolution urged the Government of Cambodia to make further efforts to address the continued prevalence of impunity and encouraged it to continue to cooperate with the United Nations with a view to reaching an early agreement on the most appropriate way of bringing to justice the Khmer Rouge leaders responsible for the most serious violations of human rights. It was to be hoped that, as in previous years, the draft resolution would be adopted without a vote.

12. Ms. IZE-CHARRIN (Secretary of the Commission) said that the observers for Albania, Ireland and Israel had become sponsors of the draft resolution.

13. Mr. ZIVKOVIC (Office of the High Commissioner for Human Rights) said that the draft resolution had no financial implications.

14. The draft resolution was adopted.

Draft resolution on advisory services and technical cooperation in the field of human rights (E/CN.4/2000/L.98)

15. Mr. HUTH (Germany), introducing the draft resolution on behalf of its sponsors, said that advisory services and technical cooperation in the field of human rights provided at the request of Governments through expert advice and material and personnel assistance from the Office of the High Commissioner for Human Rights were perhaps the most efficient way of promoting and protecting such rights. The draft resolution encouraged the full incorporation of qualified local and regional expertise in technical cooperation activities and pointed to ways of expanding the scope and efficiency of such services. Consideration should, however, be given to the conceptual broadening of advisory services, for example, through increased inter-agency coordination and active exchanges of lessons learned. Much more could and should be achieved by making cross-regional dialogue the rule of the day. It was to be hoped that the draft resolution would be adopted by consensus.

16. Ms. IZE-CHARRIN (Secretary of the Commission) said that the representatives of Argentina, Canada, Ecuador, Nepal, Pakistan, the Republic of Korea, the Russian Federation and Venezuela and the observers for Bulgaria, Cyprus, Lithuania, Turkey and the former Yugoslav Republic of Macedonia had become sponsors of the draft resolution.

17. Ms. GLOVER (United Kingdom of Great Britain and Northern Ireland) said that her delegation supported the draft resolution. However, it had the same concerns about paragraph 11 as it had when that language had appeared in the resolution on strengthening the Office and she referred to the explanation her delegation had given in that connection.

18. Mr. ZIVKOVIC (Office of the High Commissioner for Human Rights) said that the draft resolution had no financial implications.

19. The draft resolution was adopted.

Assistance to Somalia in the field of human rights (E/CN.4/2000/L.100)

20. Mr. MORENO (Italy), introducing the draft resolution on behalf of its sponsors, said that it expressed concern at reported cases of rape, arbitrary and summary executions, torture and other cruel, inhuman or degrading treatment or punishment and violence, in particular against minorities, women and children; and urged all parties in Somalia to respect human rights, support the re-establishment of the rule of law throughout the country and respond positively to peace initiatives. It was to be hoped that the draft resolution would be adopted without a vote.

21. Ms. IZE-CHARRIN (Secretary of the Commission) said that the observers for Australia, Ireland and Israel had become sponsors of the draft resolution.

22. Mr. ZIVKOVIC (Office of the High Commissioner for Human Rights), outlining the financial implications, said that the estimated cost of the translation and dissemination of the resolution was US$ 3,000, to be financed under extra-budgetary resources. The cost of other

activities was estimated at US$ 24,500. Relevant provisions were included in the Programme Budget for the current biennium 2000/2001. No additional provisions would therefore be required.

23. The draft resolution was adopted.

24. The CHAIRMAN said that the Commission had thus concluded its consideration of the draft resolutions under agenda item 19.

RATIONALIZATION OF THE WORK OF THE COMMISSION (agenda item 20) (continued)

Draft decision on enhancing the effectiveness of the mechanisms of the Commission on Human Rights (E/CN.4/2000/L.101)

25. The CHAIRMAN, referring to a minor technical change in draft decision 2, said that the words "as well as for Special Rapporteurs" in the third and fourth lines should be deleted.

26. Mr. LONG (United States of America) expressed his delegation's appreciation to the members of the Working Group on Enhancing the Effectiveness of the Mechanisms of the Commission on Human Rights and the Secretariat for reaching a consensus on the adoption of the draft resolution.

27. Ms. JANJUA (Pakistan) requested clarification on the deletion referred to by the Chairman. As her delegation understood it, there had been a decision regarding the term limits for the Special Rapporteurs. She suggested that the consideration of the matter should be deferred pending clarification.

The meeting was suspended at 6.50 p.m. and resumed at 7 p.m.

28. Ms. JANJUA (Pakistan) said that a consensus had been reached on the following amendment to draft decision 2: the words "as well as for Special Rapporteurs" would be retained, after which the phrase "whose position in relation to term limits is covered by the Chairperson's statement of 29 April 1999" would be inserted. There had been a discussion in the Working Group on Enhancing the Effectiveness of the Mechanisms of the Commission on Human Rights on the term limits of Special Rapporteurs, but, as that had already been covered by the statement made by the Chairman on 29 April, it had not been explicitly referred to in the report. Including it at present clarified the matter. It was to be hoped that that would meet with consensus in the Commission.

29. The draft resolution was adopted.

30. Mr. ZIVKOVIC (Office of the High Commissioner for Human Rights), outlining the financial implications of draft decisions 1 to 6 and draft resolution E/CN.4/2000/L.101, said that, for draft decision 1, the financial implications resulting from the Commission's resolution L.20 on the merger of the mandates of the Independent Expert on structural adjustment and the

Special Rapporteurs on foreign debt, thus creating a post for an Independent Expert on structural adjustment and foreign debt, would be reported to the Commission immediately after the conclusion of the consideration of agenda item 20.

31. Draft decision 2 had no financial implications. For draft decision 3, the financial implications arising from the shortening of the duration of the Working Group on Contemporary Forms of Slavery from eight to five days were savings of US$ 3,800 per year under section 22; savings under conference services that had not yet been costed. Draft decision 4 had no financial implications. Draft resolution E/CN.4/2000/L.101 had no financial implications. For draft decision 5, the financial implications arising out of the shortening of the duration of the Sub-Commission from four to three weeks were savings of US$ 32,500 per year under section 22 and savings under conference Services that had not yet been costed. For draft decision 6, the estimated costs were US$ 7,200 per year under section 22. The adoption of the draft resolution and the six draft decisions would thus result in overall net savings under section 22 for the current biennium; the proposed budget for 2002-2003 would reflect the revised requirements.

32. Draft resolution E/CN.4/2000/L.101 was adopted.

Draft decision on transitional arrangements concerning the 1503 procedure (E/CN.4/2000/L.102)

33. The draft resolution was adopted.

ECONOMIC, SOCIAL AND CULTURAL RIGHTS (agenda item 10) (continued)

34. Mr. ZIVKOVIC (Office of the High Commissioner for Human Rights), outlining the financial implications of three draft resolutions and one draft decision adopted the previous week and beginning with the draft resolution on food (E/CN.4/2000/L.19), said that the estimated costs for the planned activities were US$ 54,000 for the first year and US$ 35,600 for the second and third years. No provision had been made under the Programme Budget 2000-2001 to cover the mandate of the Special Rapporteur. The potential for absorption and any additional resources would be included in the final Programme Budget implications statement to be submitted to the next session of the Economic and Social Council. The estimated resources for 2002-2003 would be included in the proposed Programme Budget for that biennium. Conference services for the extra consultation would be provided on an as-available basis in accordance with existing practice and therefore no extra cost would be involved.

35. The estimated costs of the activities provided for in the draft resolution on human rights and extreme poverty (E/CN.4/2000/L.22) were US$ 54,800 for the first year and US$ 31,700 for the second year. Provision for the extension of the mandate had been made in the budget for the biennium 2000-2001; relevant provisions for 2002-2003 would be included in the proposed budget for that biennium. No provisions had been included in the budget 2000-2001 for the seminar to take place in August 2000. The potential for absorption as well as any additional resources required would be included in the final Programme Budget implications statement to

be submitted to the next session of the Economic and Social Council. Conference services for the seminar would be provided on an as-available basis in accordance with existing practice and no extra cost would therefore be involved.

36. The estimated cost of the activities envisaged under the draft resolution entitled "Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights" (E/CN.4/2000/L.17) was US$ 31,700 for the first year, US$ 92,900 for the second year and US$ 31,700 for the third year. No provisions had been included under the Programme Budget 2000-2001 to cover the mandate of the special rapporteur or the workshop. The potential for absorption as well as any additional resources required after taking into account any resources from mandates to be discontinued would be included in the final Programme Budget implications statement to be submitted to the next session of the Economic and Social Council. The estimate of resources for 2002-2003 would be included in the proposed Programme Budget for that biennium. Conference services for the workshop would be provided on an as-available basis in accordance with existing practice and no extra cost would therefore arise.

37. The estimated cost of the implementation of draft decision 2 on globalization and its impact on the full enjoyment of all human rights was US$ 26,200. No provisions had been included in the budget for the biennium 2000-2001 to cover the planned activities. The potential for absorption as well as any additional resources required after taking into account resources from mandates to be discontinued would be included in the final Programme Budget implications statement to be submitted to the next session of the Economic and Social Council.

Draft resolution on effects of structural adjustment policies and foreign debt on the full enjoyment of all human rights, particularly economic, social and cultural rights (E/CN.4/2000/L.20)

38. Mr. FERRER RODRÍGUEZ (Cuba), introducing the draft resolution on behalf of its sponsors, said that the text was based on the premise that structural adjustment policies and foreign debt were human rights issues. The foreign debt of the developing countries currently exceeded US$ 2.5 million millions. On average, more than 25 per cent of those countries' GDP went for debt servicing. That had an adverse impact not only on economic, social and cultural rights, since fewer resources were available for education, health, employment and other basic services, but also on civil and political rights, including the right to life. The main new element of the draft resolution was paragraph 18, which urged States, international financial institutions and the private sector to take urgent measures to alleviate the debt problem of those developing countries particularly affected by HIV/AIDS. The text also requested the High Commissioner for Human Rights to take urgent action to strengthen the responsiveness of her Office in the area of economic, social and cultural rights. His delegation hoped that, as in the past, the draft resolution would be adopted by a large majority.

39. Ms. IZE-CHARRIN (Secretary of the Commission) said that the representatives of Ecuador, Indonesia, Liberia and Sri Lanka and the observers for Angola, the Dominican Republic, Haiti, Nicaragua and Uruguay had become sponsors of the draft resolution.

40. Mr. ZIVKOVIC (Office of the High Commissioner for Human Rights), outlining the financial implications, said that the costs of the activities under the terms of the draft resolution were estimated at US$ 68,600 for the first year, US$ 68,600 for the second year and US$ 38,600 for the third year. No provisions had been included under the 2000-2001 Programme Budget to cover the mandate of the Independent Expert, but the discontinuation of the mandate of the Special Rapporteur on the effects of foreign debt on the full enjoyment of economic, social and cultural rights and the Independent Expert on structural adjustment policies would result in savings under the resources included for their respective mandates under section 22. The potential for absorption of the new mandate would be assessed against the savings accrued from discontinuing the two mandates; any additional net resources required would be included in the final Programme Budget implications statement to be submitted to the next session of the Economic and Social Council. The requirements for 2002-2003 would be included in a proposed Programme Budget for that biennium.

41. Mr. SALINAS (Chile) suggested that, in paragraph 13, the name of the Independent Expert should be deleted so as not to prejudice any decision by the Bureau in that regard.

42. Mr. FERNÁNDEZ PALACIOS (Cuba) said that his delegation was surprised that Chile should suddenly propose an amendment on a draft resolution that had been the subject of lengthy consultations and enjoyed wide support. During discussions in the inter-sessional Working Group on Enhancing the Effectiveness of the Mechanisms of the Commission on Human Rights, it had been agreed that it would be best to appoint Mr. Fantu Cheru to the post. There were many precedents for citing the Independent Expert by name. For that reason, Chile's proposal was unacceptable to his delegation.

43. Mr. HYNES (Canada) said that his delegation backed Chile's proposal. The draft resolution on enhancing the effectiveness of the mechanisms of the Commission on Human Rights (E/CN.4/2000/L.101), which the Commission had just adopted, endorsed the report of the inter-sessional Working Group (E/CN.4/2000/112), paragraph 7 of which stated that selection of mandate holders would continue to be the responsibility of the Chairperson following formal consultation with the Bureau and the regional groups through the regional coordinators. That constituted sufficient grounds for the proposed amendment, but it did not mean that the Commission was expressing a lack of confidence in Mr. Fantu Cheru. His delegation preferred to address the substantive issues in the draft resolution and to leave it to the Chairman and the Bureau to decide on the appointment, Mr. Fantu Cheru being an eminently qualified candidate.

44. Ms. MBONU (Nigeria) said that her delegation agreed with Cuba on retaining the name of the Independent Expert.

45. Mr. AKRAM (Pakistan) said that his delegation was unclear on the reason for the proposed amendment. It was to be hoped that the draft resolution would be adopted without a vote and that Mr. Fantu Cheru's name would be retained because the overwhelming majority of the members of the Commission wanted him to be appointed.

46. Mr. FERNÁNDEZ PALACIOS (Cuba) said that Canada and a number of other States invariably voted against the draft resolution under consideration, regardless of whether the Independent Expert was cited or not, because they did not want the issue of economic, social and cultural rights, and certainly not foreign debt, to be discussed in the Commission.

47. Mr. SALINAS (Chile) stressed that his delegation did not have a dislike for Mr. Fantu Cheru. It was simply a bad precedent to cite the Independent Expert by name.

48. Mr. CHÁVEZ BASAGOITIA (Peru), speaking in explanation of vote before the voting, said that, although his delegation would abstain on the draft resolution, it would vote against Chile's proposed amendment: the Commission on Human Rights had every right to appoint an independent expert or special rapporteur.

49. Ms. GLOVER (United Kingdom of Great Britain and Northern Ireland) said that her delegation would back Chile's proposal. The text as it stood created a dangerous precedent and detracted from the Chairman's prerogative of appointing independent experts or special rapporteurs.

50. Mr. MENDONÇA E MOURA (Portugal) requested a short suspension for consultations.

The meeting was suspended at 7.35 p.m. and resumed at 7.45 p.m.

51. Mr. FERNÁNDEZ PALACIOS (Cuba) said that it had not been possible to reach a consensus on the question. His delegation disagreed with the United Kingdom: on no account did it create a precedent to cite the name of an independent expert for whose appointment there was, in any case, broad support in the Commission. His delegation called on all developing countries to vote against Chile's proposed amendment.

52. Mr. MENDONÇA E MOURA (Portugal) said that the European Union would support Chile's amendment. It was worth noting that, pursuant to paragraph 12 of draft resolution E/CN.4/2000/L.20, the Commission decided "to discontinue the mandates of", and was thus creating a new mandate. Paragraph 7 of document E/CN.4/2000/112 therefore applied.

53. Mr. PADILLA MENENDEZ (Guatemala) said that his delegation would vote against the proposed amendment and agreed with Pakistan that any number of examples of similar practice could be found in earlier resolutions.

54. Mr. AKRAM (Pakistan) said that his delegation would vote against the amendment: it considered Mr. Fantu Cheru to be an excellent choice; there were numerous precedents where the Commission had cited appointees by name and it was fully empowered to do so. The Chairman was not being deprived of any of his prerogatives because he could continue to select mandate holders if and when the Commission had not already done so. But the Chairman's prerogative flowed from the powers of the Commission and he acted on its behalf. Thus, by definition, the Commission could not encroach on the Chairman's prerogatives. His delegation believed that the proposal to delete the name of a person who had served the Commission well and whose reports were so highly regarded was not a good precedent.

55. Ms. ECKEY (Norway) said that her delegation would vote in favour of the amendment for the reasons stated by Chile and other delegations, but that did not constitute an expression of its view concerning Mr. Fantu Cheru.

56. At the request of the representative of Cuba, a vote was taken by roll-call on the proposed amendment to paragraph 13.

57. Sudan, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Canada, Chile, Czech Republic, France, Germany, Italy, Japan, Latvia, Luxembourg, Norway, Poland, Portugal, Republic of Korea, Romania, Spain, United Kingdom of Great Britain and Northern Ireland, United States of America

Against: Bangladesh, Bhutan, Botswana, Burundi, China, Colombia, Republic of Congo, Cuba, Ecuador, El Salvador, Guatemala, India, Indonesia, Madagascar, Mauritius, Mexico, Morocco, Niger, Nigeria, Pakistan, Peru, Philippines, Qatar, Rwanda, Senegal, Sri Lanka, Sudan, Swaziland, Tunisia, Venezuela, Zambia

Abstaining: Argentina, Brazil, Nepal, Russian Federation

Absent: Liberia.

58. The amendment to paragraph 13 proposed by Chile was rejected by 31 votes to 17, with 4 abstentions.

59. At the request of the representatives of the United Kingdom of Great Britain and Northern Ireland and Cuba, a vote was taken by roll-call on draft resolution E/CN.4/2000/L.20, as a whole.

60. Mr. HARAGUCHI (Japan), speaking in explanation of vote before the voting, said that his delegation was well aware of the heavy burden which foreign debt repayment placed on the development efforts of countries, especially the heavily indebted poorest countries (HIPC). At the Cologne Summit in 1999, the G7 countries had therefore agreed on a 100 per cent reduction of their official development assistance (ODA) claims and a 90 per cent reduction and more, if necessary, of their non-ODA claims vis-à-vis HIPCs. His Government had recently decided to go beyond that initiative, announcing that it would reduce 100 per cent of its non-ODA claims against HIPCs. As important as structural adjustment policies were, they would be better taken up in the World Bank and the International Monetary Fund, which had the mandate and expertise to deal with them. For those reasons, Japan would vote against the draft resolution.

61. Pakistan, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Bangladesh, Bhutan, Botswana, Brazil, Burundi, China, Republic of Congo, Cuba, Ecuador, El Salvador, Guatemala, India, Indonesia, Madagascar, Mauritius, Morocco, Nepal, Niger, Nigeria, Pakistan, Philippines, Qatar, Rwanda, Senegal, Sri Lanka, Sudan, Swaziland, Tunisia, Venezuela, Zambia

Against: Canada, Czech Republic, France, Germany, Italy, Japan, Latvia, Luxembourg, Norway, Poland, Portugal, Romania, Spain, United Kingdom of Great Britain and Northern Ireland, United States of America

Abstaining: Argentina, Chile, Colombia, Mexico, Peru, Republic of Korea, Russian Federation

Absent: Liberia.

62. Draft resolution E/CN.4/2000/L.20, as a whole, was adopted by 30 votes to 15, with 7 abstentions.

63. Mr. HUTH (Germany), speaking in explanation of vote after the voting, said that, by adopting draft resolution E/CN.4/2000/L.20, the Commission had effectively deprived the 200 member States of the United Nations of the right to nominate qualified persons for the mandate of Independent Expert. Such an appointment was neither democratic nor in the spirit of draft decision E/CN.4/2000/L.101.

64. The CHAIRMAN said that the Commission had thus concluded its consideration of draft resolutions under agenda item 10.

REPORT OF THE SUB-COMMISSION ON THE PROMOTION AND PROTECTION OF HUMAN RIGHTS (agenda item 16)

(a) REPORT AND DRAFT DECISIONS (continued)

Draft resolution on the work of the Sub-Commission on the Promotion and Protection of Human Rights (E/CN.4/2000/L.77)

65. Ms. PRANCHERE-TOMASSINI (Luxembourg), introducing the draft resolution, said that, following consultations, her delegation proposed a number of changes to the text. First, the phrase "as outlined in the report of the Working Group on Enhancing the Effectiveness of the Mechanisms of the Commission on Human Rights" should be added at the end of paragraph 1 (b). Secondly, as the discussion on the draft resolution had been deferred until after the adoption of decision E/CN.4/2000/L.101 on the report of the Working Group on the Reform of Mechanisms, preambular paragraph (c) should end after the words

"paragraphs 42 to 56" and paragraph 2 should read: "Decides that the issue of the work of the Sub-Commission will be considered again at its fifty-seventh session under the relevant agenda item". It was to be hoped that the draft resolution would be adopted without a vote.

66. Ms. IZE-CHARRIN (Secretary of the Commission) said that the observer for Ukraine had become a sponsor of the draft resolution.

67. Mr. ZIVKOVIC (Office of the High Commissioner for Human Rights) said that the draft resolution had no financial implications.

68. The draft resolution was adopted.

69. The CHAIRMAN said that the Commission had thus concluded its consideration of draft resolutions under agenda item 16.

INDIGENOUS ISSUES (agenda item 15) (continued)

Draft resolution on the establishment of a Permanent Forum on Indigenous Issues (E/CN.4/2000/L.68)

70. Mr. LEHMANN (Observer for Denmark) said that, following consultations, it was proposed that, in paragraph 1, the words "assisted by the Bureau" should be replaced by "having obtained the views of the regional groups through formal consultations with the Bureau". An alternative proposal had been that those words should be replaced by "following formal consultations with the Bureau and regional groups through the coordinators". In paragraph 8, it was proposed that the words "make a decision concerning the continued functioning of the Working Group on Indigenous Populations and conduct a" should be deleted, that the words "without prejudging any outcome" should be added after "review" and that the phrase "including the Working Group on Indigenous Populations" should be added after "issues". Final informal consultations with interested delegations would be held the next morning.

71. The CHAIRMAN said that the consideration of the draft resolution would resume in the afternoon of the next day.

RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND ALL FORMS OF DISCRIMINATION (agenda item 6) (continued)

Draft resolution on defamation of religions (E/CN.4/2000/L.6)

72. Mr. AKRAM (Pakistan), introducing the draft resolution on behalf of the member States of the Organization of the Islamic Conference (OIC), said that it sought to address a central concern of the OIC, namely, defamation of religions and especially Islam. Although Islam had given the world the first charter of human rights, it was depicted in some parts as being inimical to human rights norms. Some had tried to portray Islam as an ideological opponent and even as a threat to international stability, of which the use of the words "Islamic terrorism" was a prime example. In the course of the current session, such defamation of Islam had been heard not only from certain non-governmental organizations, but even from some delegations. The goal of

juxtaposing those two words was to associate Islam with the most cowardly form of violence: terrorism against innocent people. In reality, acts of terrorist violence were completely incompatible with the precepts and practices of Islam, which was a religion of peace. The purpose of such a falsification was often to justify repression against Muslim peoples. A malicious effort was also being made to portray feudal and tribal phenomena which had no sanction from Islam, such as so-called "honour killings" and female genital mutilation, as being associated with Islam. The draft resolution aimed to take the process of promoting harmony, understanding and tolerance towards all religions further forward. Since tolerance was one of its themes, the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance should also consider the question of defamation of religions. It had therefore been agreed in the consultations leading to the current text that Governments, intergovernmental and regional organizations should help provide the Conference with input.

73. Following extensive negotiations, the sponsors had reached a consensus on an amended version of the draft resolution. The OIC would not introduce the amendments in document E/CN.4/2000/L.96 on the understanding that the European Union amendments to document E/CN.4/2000/L.18 would be withdrawn. The proposed changes were that: the words "and xenophobia" in the third preambular paragraph should be deleted; a new paragraph should be added after the third preambular paragraph to read: "Recognizing that discrimination based on religion or belief constitutes an offence to human dignity and a violation of human rights"; the word "xenophobia" in the fourth preambular paragraph should be deleted; the word "xenophobia" in paragraph 4 should be deleted; paragraph 5 should be replaced by the following: "Invites Governments, intergovernmental and regional organizations to provide their views on the religious perspectives of combating racism to the Secretary-General of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and invites her to present these inputs to the World Conference on Racism through its preparatory process"; the word "and" should be added after "Special Rapporteur on Religious Intolerance" and the words "and the Committee on the Elimination of Racial Discrimination" and "at its fifty-seventh session" should be deleted in paragraph 6; and paragraph 7 should be replaced by the phrase: "Remains seized of the matter".

74. It was to be hoped that the draft resolution would be adopted by consensus.

75. Mr. MENDONÇA E MOURA (Portugal), speaking on behalf of the European Union, said that, the previous year, the European Union had joined the consensus on the adoption of resolution E/CN.4/1999/82, also entitled defamation of religions, but had noted that the last-minute agreement reached could not hide the fact that considerable uncertainty had remained as to whether such a matter should be dealt with in the Commission in the future. Those doubts persisted. In the view of the European Union, maintaining that kind of resolution on the agenda would only distract the Commission from its responsibility of promoting freedom of all religions and beliefs. The European Union was particularly concerned that the draft resolution could be read as focusing on one particular religion. Some of the most controversial language contained in resolution E/CN.4/1999/82 continued to be used in draft resolution E/CN.4/2000/L.6. The European Union therefore urged the sponsors of the draft resolution not to raise the subject again in the Commission. Based on that understanding of paragraph 7 of the text, the European Union would join the consensus on the adoption of draft resolution E/CN.4/2000/L.6, as amended by the delegation of Pakistan. The European Union stressed once again the need for the full

involvement of NGOs in the World Conference and its preparatory process. For the reasons just explained, the European Union would withdraw its proposed amendments to draft resolution E/CN.4/2000/L.18.

76. Mr. SABHARWAL (India) said that India strongly opposed all forms of discrimination on grounds of religion or belief. During the consideration of the precursor to the current draft resolution, his delegation had stated its unequivocal opposition to the defamation or negative stereotyping of any religion, including Islam. It also strongly condemned attempts in some quarters to associate Islam with terrorism or to portray it as a religion which condoned human rights violations. A terrorist had no religion, since hatred, intolerance and violence were his creed. At the same time, his delegation was against obscurantist and self-serving distortions of religious values to spread or justify the cult of violence and terrorism.

77. His delegation had three major concerns with the draft resolution. First, the issue before the Commission fell within the rubric either of religious intolerance or abuse of freedom of expression to offend sentiments of religious groups; both were best addressed under the agenda item on civil and political rights. It was not clear to his delegation why the draft resolution was being considered under the agenda item on racism. Secondly, defamation and negative stereotyping were not problems confined to any one religion. Thirdly, manifestations of discrimination on grounds of religion or belief were prevalent in all parts of the world and were certainly not directed at Islam alone. However, in view of the importance that it attached to religious tolerance and pluralistic diversity, India would not stand in the way of draft resolution E/CN.4/2000/L.6.

78. The draft resolution was adopted.

79. The CHAIRMAN said that the Commission had thus concluded its consideration of draft resolutions under agenda item 6.

ORGANIZATION OF THE WORK OF THE SESSION (agenda item 3) (continued)

Dates of the fifty-seventh session of the Commission

80. The CHAIRMAN said that, at its 67th meeting on 26 April 2000, the Commission on Human Rights, recalling Economic and Social Council decision 1994/297 of 29 July 1994 and bearing in mind Council decision 1995/296 of 25 July 1995, had decided, without a vote, that the fifty-seventh session of the Commission should be scheduled to take place from 19 March to 27 April 2001.

Organization of the work of the fifty-seventh session of the Commission

81. The CHAIRMAN said that, at its 67th meeting on 26 April 2000, the Commission on Human Rights, taking into account its heavy schedule of work, as well as the need to give adequate consideration to all the items on its agenda and recalling that, in previous years, the Economic and Social Council had approved the Commission's requests for additional meetings for its thirty-seventh to fifty-sixth sessions, had decided without a vote: (a) to recommend to the

Council that it authorize, if possible and within existing financial resources, 30 fully serviced additional meetings, including summary records, in accordance with rules 29 and 31 of the rules of procedure of the functional commissions of the Economic and Social Council for the Commission's fifty-seventh session; (b) to request the Chairperson of the fifty-seventh session of the Commission to make every effort to organize the work of the session within the time normally allocated so that the additional meetings that the Council might authorize would be utilized only if they proved to be absolutely necessary.

82. It was so decided.

The meeting rose at 8.45 p.m.